

AN ORDINANCE REGARDING ETHICS AND CONFLICTS OF INTEREST

ENGROSSED VERSION (AS ADOPTED 11 AUGUST 2003)

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WATERBURY,

That Title III of the Code of Ordinances shall be amended by establishing
Chapter 40 entitled "Ethics and Conflicts of Interest", as follows:

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Ethics in Public Affairs

General Provisions

§40.01 Title.

This chapter shall be known and referred to as the "Ethics and Conflict of Interest Code for the City of Waterbury".

§40.02 Statement of Policy.

Public employment is a public trust. It is the policy of the City to promote balancing the objectives of protecting governmental integrity and facilitating the recruitment and retention of personnel needed by the City. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

Furthermore, Employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City's procurement organization.

Finally, in order to achieve the purposes of this Chapter, it is essential that those doing business with the City also observe the ethical standards prescribed herein.

§40.03 Application.

These sections shall be applied to and be binding on every Public Official and Employee of the City, as defined in this Chapter and Persons conducting business with the City.

§40.04 Definitions.

(A) **Blind Trust** means an independently managed trust in which the Employee-beneficiary has no management rights and in which the Employee-beneficiary is not given notice of alterations in, or other dispositions of, the property subject to the trust.

(B) **Board** means the Board of Ethics as established in §6B-3 of the Charter of the City.

(C) **Business** means any entity through which business for profit or not for profit is conducted including a corporation, partnership, proprietorship, firm enterprise, franchise, association, organization, or self-employed individual.

(D) **Confidential Information** means any information which is available to a Public Official, Employee or Member of a Board or Commission only because of their status as such Public Official, Employee or Member of a Board or Commission and is not a matter of public knowledge or available to the public on request, in accordance with the provisions of the General Statutes.

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(E) **Conspicuously** means written in such special or distinctive format, print, or manner that a reasonable Person against whom it is to operate ought to have noticed it.

(F) **Contract** means a written agreement between two or more competent Persons to perform or not to perform a specific act or acts pertaining to Services and Professional Services or as otherwise set forth in §38.01(K) and Chapter 38 of this Code.

(G) **Department or Agency** means an agency, authority, board, bureau, commission, department, government corporation, legislative body or official of the City.

(H) **Direct or Indirect Participation** means involvement through decision, approval, disapproval, recommendation, preparation of any part of the procurement of Commodities, Services or Leases, as set forth in Chapter 38, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(I) **De Minimus Gift** means something that is of minimum value that is bestowed voluntarily and without compensation. Minimum value shall include any gift worth up to One Hundred (\$100.00) Dollars.

(J) **Elected Official** means any elected officer or official or any official appointed to complete the term of an Elected Official.

(K) **Employee** means an individual employed by the City, whether as a classified or unclassified, permanent or temporary, full-time or part-time Employee, or employed by Contract on a continuing basis and all Employees of the Board of Education. For purposes of this Chapter the term "Employee" may include Public Officials and Department Heads.

(L) **Financial Interest** means:

(1) Ownership of any interest or involvement in any Business with which the Public Official, Employee or Member of a Board or Commission is associated including, any sole proprietorship, partnership, limited liability company, firm, corporation, trust or other entity through which Business for profit or not for profit is conducted in which the Public Official, Employee or Member of a Board or Commission or a member of his Immediate Family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five (5%) per cent or more of the total outstanding stock of any class or a five (5%) per cent share of the Business.

(a) The Public Official, Employee or Member of a Board or Commission or member of his Immediate Family, shall not be deemed to be associated with a not-for-profit entity solely by virtue of the fact that the Public Official, Employee or Member of a Board or Commission or member of his Immediate Family is an unpaid director or officer of the not-for-profit entity.

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(b) Income from, and financial investments in, policies of insurance, and deposits in accounts from commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a Financial Interest within the meaning of this Ordinance; or

(2) Ownership of such interest in any property or any Business as may be specified by the Board of Ethics; or

(3) Holding a position in a Business such as an officer, director, trustee, partner, employee, or the like, or holding any position of management. "Officer" refers only to the president, executive or senior vice president or treasurer of such Business.

(M) **Gratuity** means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal or de minimus value, present or promised, unless consideration of substantially equal or greater value is received.

(N) **Immediate Family** means a spouse, children, parents, brothers and sisters, and such other relatives as may be designated by the Board of Ethics.

(O) **Member of a Board or Commission** means any individual (1) appointed by a Public Official as an advisor or consultant or member of a board, commission, committee or council established to advise, recommend or consult with a Public Official or the Board of Aldermen or a committee thereof and (2) who receives no public funds other than per diem payments or reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(P) **Official Responsibility** means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, or otherwise direct action by the City.

(Q) **Person** means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(R) **Public Official** or **Official**, for purposes of Chapter 40 of this Code, means any elected officer or elected official.

(S) **Purchase Order** means a document that formalizes certain purchase transactions with the City as fully set forth in §38.01(GG) of this Code.

(T) **Requisition** means that document which commences the procurement process as set forth in §38.02(A) of this Code.

Words of the masculine gender shall include the feminine.

§40.05-§40.09 Reserved for Future Use.

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Standards of Conduct

§40.10 Generally.

Public Officials, Employees and Members of any Board or Commission have a special responsibility by virtue of the trust invested in them by the City's residents to discharge their duties conscientiously, impartially, and to the best of their ability, placing the good of the City above any Person or partisan considerations.

§40.11 Official Conduct.

Public Officials, Employees and Members of any Board or Commission shall be guided in the discharge of their duties by the considerations set forth in this paragraph. In this respect they shall:

(A) have an obligation to act morally and honestly in discharging all assigned responsibilities.

(B) conduct themselves with propriety, discharge their duties impartially and fairly, and make continuing efforts toward attaining and maintaining high standards of performance.

(C) not use, or attempt to use, either directly or indirectly, their City positions to secure any preferential right, benefit, advantage or privilege for themselves or for others.

Should any Public Official, Employee or Member of a Board or Commission be requested or ordered to perform an act that conflicts with this Chapter or the laws of the State of Connecticut, he should refuse to comply with such a request or order. This principle is not to be construed as encouraging arbitrary or capricious nonconformity with job assignments, but to ensure that all Public Officials and Employees recognize that the responsibility for ethical conduct ultimately rests with each individual.

§40.12 Restrictions on Employment of Present and Former Employees.

(A) ***Contemporaneous Employment Prohibited.*** Except as may be permitted by regulations or rulings of the Board of Ethics, it shall be a violation of this Chapter for any Public Official, Employee or Member of a Board or Commission who is participating directly or indirectly in the procurement process, as set forth in Chapter 38 of this Code (including those participating in exempt transactions), to become or be the employee of any Person contracting with the governmental body by whom the Employee is employed.

(1) ***Notice to Contractors and Prospective Contractors.*** Notice of this provision shall be provided in the solicitation documents, Purchase Orders or Contracts prepared in accordance with Chapter 38.

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(B) Restrictions on Former Public Officials or Employees in Matters Connected with Their Former Duties.

(1) *Permanent Disqualification of Former Public Officials or Employees Personally Involved in a Particular Matter.* It shall be a violation of this Chapter for any former Public Official, Employee or Member of a Board or Commission knowingly to act as a principal, or as an agent for anyone other than the City, in connection with any:

- (a) Judicial or other proceeding, application, request for a ruling, or other determination;
- (b) Contract;
- (c) Claim; or
- (d) Charge or controversy,

in which the Public Official, Employee or Member of a Board or Commission participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while a Public Official, Employee or Member of a Board or Commission, where the City is a party or has a direct and substantial interest.

(2) *One Year Representation Restriction Regarding Matters for Which Former Public Officials, Employees or Members of a Board or Commission Were Officially Responsible.* It shall be a violation of this Chapter for any former Public Official, Employee or Member of a Board or Commission, within one year after cessation of the former Public Official's, Employee's or Member of a Board or Commission's Official Responsibility, knowingly to act as a principal, or as an agent for anyone other than the City, in connection with any:

- (a) Judicial or other proceeding, application, request for a ruling, or other determination;
- (b) Contract;
- (c) Claim; or
- (d) Charge or controversy,

in matters which were within the former Public Official's, Employee's or Member of a Board or Commission's Official Responsibility, where the City is a party or has a direct or substantial interest.

(C) Disqualification of Business When a Public Official, Employee or Member of a Board or Commission Has a Financial Interest. It shall be a violation of this Chapter for a Business (in which a Public Official, Employee or Member of a Board or Commission has a Financial Interest) knowingly to act as a principal, or as an agent for anyone other than the City, in connection with any:

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- (1) Judicial or other proceeding, application, request for a ruling, or other determination;
- (2) Contract;
- (3) Claim; or
- (4) Charge or controversy,

in which the Public Official, Employee or Member of a Board or Commission either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the Public Official's, Employee's or Member of a Board or Commission's Official Responsibility, where the City is a party or has a direct and substantial interest.

(D) Selling to the City After Termination of Employment is Prohibited. It shall be a violation of this Chapter for any former Public Official or Employee to engage in selling or attempting to sell supplies, services, or construction to the City for one year following the date employment ceased if he served in the following capacities: Department Head; member of the Department of Purchasing; position responsible for purchasing by a using agency; or, any supervisory or management position.

The term "sell" as used herein means signing a bid, proposal, or contract; negotiating a contract; contacting any Employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another Person; provided, however, that this Section is not intended to preclude a former Public Official or Employee from accepting employment with private industry solely because the former Public Official or Employee's employer is a contractor with this City, nor shall a former Public Official or Employee be precluded from serving as a consultant to this City.

§40.13 Use of Confidential Information.

It shall be a violation of this Chapter for any Public Official, Employee or Member of a Board or Commission, former Public Official, Employee or Member of a Board or Commission knowingly to use Confidential Information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other Person.

§40.14 Paid Consultants of the City.

(A) No paid consultant of the City shall represent a private interest in any action or proceeding against the direct interest of the City, which is in conflict with the performance of his duties as a consultant.

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(B) No paid consultant may represent anyone other than the City concerning any matter in which he participated personally and substantially as a consultant to the City.

(C) No paid consultant shall disclose Confidential Information learned while performing his duties for the municipality nor shall he use such information for the Financial Interests of himself or others.

§40.15-§40.29 Reserved for Future Use.

Prohibited Practices

§40.30 Gifts and Favors.

(A) No Public Official, Employee or Member of a Board or Commission shall accept, directly or indirectly, any favor, service, or gift, including gifts of *de minimus* value, from any Person who, to his knowledge, has or may have direct or indirect business dealings with the City.

(B) No Public Official, Employee or Member of a Board or Commission shall, by reason of his status, accept or endeavor to obtain, directly or indirectly, preferential treatment from any private citizen, Business enterprise, or other Public Official, Employee or Member of a Board or Commission.

(C) No Public Official, Employee or Member of a Board or Commission shall, in the discharge of his duties, grant any preferential treatment to any Person or interest beyond that which is properly available to all other Persons or interests.

If it is impossible or inappropriate to refuse the gift, it shall be reported to the Board of Ethics and then turned over to an appropriate public or charitable institution.

§40.31 Exceptions.

§40.30 does not prohibit:

- (A) Gifts or social courtesies related to a family relationship or friendship between the Public Official, Employee or Member of a Board or Commission and the donor, which are not designed to influence the proper judgment or action of the Public Official, Employee or Member of a Board or Commission in a matter within his or her authority.
- (B) Attendance at or participation in public, governmental-sponsored or informational events and conferences which are incident to the service of the Public Official, Employee or Member of a Board or Commission, where refreshments may be served and small souvenirs of the event, of *de minimus* value, may be distributed to all attendees, which are not designed to influence the proper judgment or action of the Public Official, Employee or Member of a Board or Commission in a matter within his or her authority. Not

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included in this exception are events sponsored and paid for by vendors or prospective vendors, unless related specifically to training conferences which are incident to contractual relationships between the City and the contractor.

- (C) Political contributions received in compliance with law.
- (D) Loans obtained according to commercial practice at the prevailing rate of interest.
- (E) Customary performance, merit awards or honorariums, consistent with municipal practice.
- (F) Services awarded by people volunteering their time.
- (G) Awards, gifts or other things of value given to Employees as part of an official Employee Recognition/Incentive Program.

§40.32 Gratuities and Kickbacks.

(A) *Gratuities.* It shall be a violation of Chapter 40 for any Person to offer, give, or agree to give any current or former Public Official, Employee or Member of a Board or Commission, or for such current or former Public Official, Employee or Member of a Board or Commission to solicit, demand, accept, or agree to accept from another Person, a Gratuity or an offer of employment in connection with any:

- (1) decision;
- (2) approval;
- (3) disapproval;
- (4) recommendation;
- (5) preparation of any part of a program requirement or a requisition;
- (6) influencing the content of any specification or procurement standard; or,
- (7) rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter,

pertaining to any program requirement or a Contract or Purchase Order, or to any solicitation or proposal therefore.

(B) *Kickbacks.* It shall be a violation of this Chapter for any payment, Gratuity, or offer of employment to be made, as an inducement for the award of a subcontract or order, by or on behalf of a subcontractor, the prime contractor or higher tier subcontractor or any Person associated therewith, under a Contract or Purchase Order to the City.

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(C) *Contract and Purchase Order Clause.* The prohibition against Gratuities and kickbacks prescribed in this Section, and the remedies set forth in §40.83(B), shall be Conspicuously set forth in every Contract or Purchase Order, as these terms are defined in Chapter 38, and any solicitation therefor.

§40.33 Use of City Resources.

No Public Official, Employee or Member of a Board or Commission shall request or permit himself or others the use of City-owned or leased vehicles, equipment, materials or property for personal use, business or profit, except when such services are available to the public generally or permitted by agreement of the City and are provided in conformance with established City policies for the use of such Public Official, Employee or Member of a Board or Commission in the conduct of City business.

§40.34 Relating to Business with the City.

No Public Official, Employee or Member of a Board or Commission having a Financial Interest, direct or indirect, in any transaction with the City or in any action to be taken by the City shall use his office to exert his influence or vote on such transaction or action.

§40.35 Representing Private Interests.

(A) No Public Official, Employee or Member of a Board or Commission shall appear on behalf of a private interest other than his own before any elective or appointive board or commission of the City of which he is a member.

(B) No former Public Official, Employee or Member of a Board or Commission shall appear on behalf of a private interest other than his own on any matter before the governmental body with which he has been associated until one year after he has left that body.

(C) Nothing in this section shall abridge any statutory collective bargaining rights or other rights assured to an Employee by law.

§40.36 Appearance and Intervention on Behalf of Others.

(A) No Public Official, Employee or Member of a Board or Commission shall appear before any Department or Agency of the City on behalf of private Persons in any matter which will be in conflict with his duties as such Public Official or Employee or Member of a Board or Commission. Any such Public Official may appear before City agencies on behalf of his constituents in the course of his duties as a representative of the electorate or the performance of civic obligations provided that no retainer, compensation or gift shall be accepted in connection with such representation.

(B) Former Public Officials or Employees shall be prohibited from representing for compensation any Persons in their business with the City for two (2) years after the end of their service if the Public Official, Employee or Member of a Board or Commission participated personally and substantially in the subject

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matter of the transaction during his term of office or employment; provided that if the Public Official, Employee or Member of a Board or Commission exercised contract management authority with respect to a Contract or Purchase Order, this prohibition shall be permanent as to that Contract or Purchase Order.

(C) If members of the Board of Aldermen, in the course of their business or profession, currently represent Persons with matters before the Board of Aldermen for determinations by that body, then in such cases the Alderman shall disclose such representation and shall promptly abstain from such consideration, determination and Aldermanic action. If a matter connected with such representation requires solely administrative action by a Department or Agency of the City, then no direct personal intervention or representation shall be undertaken by the Alderman with such Department or Agency.

(D) In the event a member of the Zoning Board of Appeals has a conflict of interest involving a zoning matter or amendment, the commissioner in conflict should be disqualified from acting on said amendment or change, should abstain from voting thereon, should in no fashion attempt to influence the vote of other members of the Board and should place on the public record at the public hearing, the reasons for the disqualification and conflict of interest, including relationships with any parties that may be interested in said zone change or amendment. In the event of such disqualifications, an alternate shall serve in accordance with the ordinance relating to the appointment of alternates to the Zoning Board of Appeals.

§40.37 Prohibition Against Contingent Fees; Exception for Retention of Counsel in Accordance with the Rules of Professional Responsibility of the Connecticut Bar Association.

(A) **Contingent Fees.** It shall be a violation of this Chapter for a Person to be retained, or to retain a Person, to solicit or secure a contract with the City upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. This provision shall not apply to full-time Employees who, as a condition of their employment may be entitled to bonuses or other fees in accordance with their employment relationship. Notwithstanding the foregoing, the Corporation Counsel may retain counsel for purposes of representing the interests of the City on the basis of contingency fees in accordance with the Rules of Professional Responsibility of the Connecticut Bar Association and the City may retain State Marshals or Constables acting pursuant to the General Statutes.

(B) **Representation of Contractor.** Every Person, before being awarded a City Contract, shall represent, in writing, that such Person has not retained anyone in violation of subsection (A) of this section. Failure to do so constitutes a violation of this Chapter .

(C) **Contract Clause.** The representation prescribed in Subsection (B) of this section shall be Conspicuously set forth in every Contract and solicitation therefor.

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§40.38 Criminal Conduct. State Sanctions.

To the extent that violations of the provisions of this Chapter constitute violations of the criminal laws of the State, the Board of Ethics shall refer the matter to the State's Attorney for the Judicial District of Waterbury. Any criminal sanctions shall be in addition to the civil remedies set forth in this Chapter.

§40.39 Public Official, Employee or Member of a Board or Commission Conflict of Interest in City Procurements.

(A) Conflict of Interest. It shall be a violation of the provisions of the Charter of the City and this Chapter for any Public Official, Employee or Member of a Board or Commission to participate directly or indirectly in the City procurement, set forth in Chapter 38 of the Code, when the Public Official, Employee or Member of a Board or Commission knows that:

(1) the Public Official, Employee or Member of a Board or Commission or any member of the Public Official's, Employee's or Member of a Board or Commission's Immediate Family has a Financial Interest pertaining to the procurement;

(2) a Business in which the Public Official, Employee or Member of a Board or Commission, or any member of the Public Official's, Employee's or Member of a Board or Commission's Immediate Family, has a Financial Interest pertaining to the procurement; or

(3) any other Person or Business with whom the Public Official, Employee or Member of a Board or Commission or any member of the Public Official's, Employee's or Member of a Board or Commission's Immediate Family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(B) Financial Interest in a Blind Trust. Where a Public Official, Employee or Member of a Board or Commission or any member of the Public Official's, Employee's or Member of a Board or Commission's Immediate Family holds a Financial Interest in a Blind Trust, the Public Official, Employee or Member of a Board or Commission shall not be deemed to have a conflict of interest with regard to matters pertaining to that Financial Interest, provided that disclosure of the existence of the Blind Trust has been made to the Board of Ethics.

(C) Discovery of Actual or Potential Conflict of Interest, Disqualification, and Waiver. Upon discovery of an actual or potential conflict of interest, a Public Official, Employee or Member of a Board or Commission shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction involved. The Public Official, Employee or Member of a Board or Commission may, at the same time, apply to the Board of Ethics for an advisory opinion as to what further participation, if any, he may have in the transaction.

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§40.40-§40.49 Reserved for Future Use.

Disclosure Requirements

§40.50 Disclosure of Financial Interest.

(A) Who Must File. The City's Finance Director and Personnel Director shall certify to the City Clerk a list, current as of the previous July 1st, of the names and mailing addresses of the Persons who are required to file a financial disclosure statement in the current year.

(1) *Persons or Entities Doing Business with the City.* For purposes of this Ordinance, a list prepared by the Finance Director of each Person doing business with the City in an amount in excess of \$1,000 for the preceding year shall be determinative for purposes of reporting under - this section.

(2) *Public Officials, Employees and Members of Boards and Commissions.* Public Officials or Employees holding the following positions as of July 1st of any year are required to file a financial disclosure statement:

- (a) Any Person holding an elective City office;
- (b) Members of the Board of Ethics, Finance and Audit Review Commission and Civil Service Commission;
- (c) All Department Heads;
- (d) All full-time appointed unclassified management Employees;
- (e) Those Employees whose responsibilities (as determined, in the sole discretion of the Board of Ethics) involve dispositive and discretionary judgments regarding the sale or lease of real estate, receipt of monies, purchasing of Commodities (as defined in Chapter 38 of this Code of Ordinances), issuing of permits or licenses, assessment of property, inspection of property, settlement of claims (as set forth in Chapter 36 of this Code of Ordinances), or, the preparation or awarding of Contracts or retention of outside services; and,
- (f) Any other Employees or Members of Boards or Commissions who may be designated by the Board of Ethics, by Regulation; and

(3) Any Public Official, Employee or Member of a Board or Commission whose position is designated as requiring the filing of a financial disclosure statement, but who did not hold the position at the time the filing was required for the current year, shall file the required statement within 21 days following the date he or she first held the position. The statement shall be current as of the date the Public Official, Employee or

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Member of a Board or Commission first entered the new position, except that a Public Official, Employee or Member of a Board or Commission who has previously filed a current statement during that year is not required to file a new one merely by virtue of entering a new position.

(B) Form. Every financial disclosure statement, which is required to be filed under §40.50, shall be in the form prescribed by the Board. Information which is required shall be provided on the basis of the best knowledge, information and belief of the reporting public servant, and shall be typewritten or printed. The statement shall be verified, dated, and signed by the reporting Public Official, Employee or Member of a Board or Commission personally.

(C) Procedure.

(1) A financial disclosure statement is considered filed when the City Clerk receives it.

(2) The City Clerk shall, in writing, notify all Persons required to file financial disclosure statements under this Ordinance. Notice shall be delivered by first class mail to the last known address appearing in City records.

(3) All financial disclosure statements shall be available for examination and duplication by the public in the office of the City Clerk during the regular business hours of the City, except as otherwise provided by law. The Person requesting the duplication shall pay costs of duplicating the financial disclosure statement.

(D) When Filed. Those Persons set forth in §40.50(A), above, shall file, under oath, a financial disclosure statement for the preceding calendar year with the City Clerk on or before the July first next in any year in which they hold such a position. Any such individual who leaves his or her office or position shall file a financial disclosure statement covering that portion of the year during which such individual held his or her office or position.

(1) Notification by the City Clerk. The City Clerk shall notify such individuals of the requirements of this subsection within thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification.

§40.51 Contents of Statements of Financial Interest Disclosure.

(A) Persons or Entities Conducting Business with the City. The financial disclosure statement shall include a list of all outstanding Purchase Orders or Contracts with the City and the identity of all Public Officials, Employees or Members of Boards and Commissions who have a Financial Interest in the Person conducting business with the City.

(B) Public Officials, Employees and Members of Boards and Commissions. The financial disclosure statement shall contain the following information for the preceding calendar year in regard to the individual required to file the statement and the individual's spouse and dependent children residing in

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the individual's household, with the exception of disclosures required under §40.51(B)(4) of this Code:

(1) The names of all Businesses with which there is a Financial Interest, whether incorporated or not;

(2) The category or type of all sources of Business income, without specifying amounts of income;

(3) The existence of any known Blind Trust and the names of the trustees;

(4) All real property located within the City or within a municipality in which the City can exercise regulatory control or authority, whether owned by such individual or held in the name of a corporation, partnership or trust for the benefit of such individual; and,

(5) Any leases or contracts with the City held or entered into by the individual or a Business with which he was associated.

(C) Public Information. The financial disclosure statement filed pursuant to this section shall be a matter of public information.

(D) Waiver. Any individual who is unable to provide information required under the provisions of this section by reason of impossibility may petition the Board of Ethics for a waiver of the requirements.

§40.52 Disclosure Requirements Pertaining to City Procurements.

(A) Disclosure of Benefit Received from a Contract or Purchase Order. Any Public Official, Employee or Member of a Board or Commission who has, or obtains any benefit from, any City Contract or Purchase Order with a Business in which he has a Financial Interest shall report such benefit to the Board of Ethics; provided, however, this section shall not apply to a Contract or Purchase Order with a Business where the Financial Interest in the Business has been placed in a disclosed Blind Trust.

(B) Failure to Disclose Benefit Received. Any Public Official, Employee or Member of a Board or Commission who knows or should have known of such benefit, and fails to report such benefit to the Board of Ethics shall be in violation of this Chapter.

(C) Notice. Notice of this requirement shall be provided in accordance with regulations promulgated by the Board of Ethics.

§40.53 Amendments.

Every Person who is required to file a disclosure statement shall amend the statement from time to time as necessary to ensure the continued accuracy thereof. Each such amendment shall be made within fifteen (15) days following any occurrence, which causes the statement to be inaccurate.

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§40.54 Failure to File.

(A) The City Clerk shall notify any Public Official, Employee or Member of a Board or Commission who fails to file a financial disclosure statement by the prescribed filing date of each year, by certified mail, of the failure to file by the specified date. The Public Official, Employee or Member of a Board or Commission shall file the required statement within twenty (20) working days after having received the notice, along with a late filing fee of twenty (\$20) dollars. Failure to file the required statement within twenty (20) working days after having received the notice shall constitute a violation of this Chapter, unless an extension has been obtained in accordance with the provisions of this section.

(B) Any Public Official, Employee or Member of a Board or Commission who becomes newly subject to the requirement to file a financial disclosure statement within thirty (30) days prior to the prescribed filing date of any year shall be notified at that time, or as soon as practicable thereafter, by the appointing authority of the obligation to file and shall be permitted to file the required statement without a penalty within twenty (20) working days after having received the notice. If the Public Official, Employee or Member of a Board or Commission fails to file the required statement within twenty (20) working days after having received the notice, the City Clerk shall notify the party by certified mail of the failure to file by the specified date. The Public Official, Employee or member of a Board or Commission shall file the financial disclosure statement within ten (10) working days after having received the certified notice, along with a late filing fee of \$20. Failure to file the financial disclosure statement within ten (10) working days after having received the certified notice shall constitute a violation of this Ordinance, unless an extension has been obtained in accordance with the provisions of this section.

(C) The City Clerk shall notify any Person conducting Business with the City who fails to file a financial disclosure statement by the prescribed filing date of each year, by certified mail, of the failure to file by the specified date. The Person shall file the required statement within twenty (20) working days after having received the notice, along with a late filing fee of \$20. Failure to file the required statement within twenty (20) working days after having received the notice shall constitute a violation of this Chapter, unless an extension has been obtained in accordance with the provisions of this section.

§40.55 Extensions.

A Public Official, Employee or Member of a Board or Commission who is required to file a financial disclosure statement may have one thirty-day filing extension by filing a notice with the City Clerk by the date on which the financial disclosure statement is due. Failure to file by the extended deadline shall constitute a violation of this Chapter.

§40.56 Financial Disclosure Statement: Notice.

(A) **To Appointing Authority.** The City Clerk, upon notifying the Director of Finance of the failure of a Public Official, Employee or Member of a Board or Commission to file a statement, shall also notify the appropriate appointing authority, if any.

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(B) To Director of Purchasing. The City Clerk, upon notifying the Director of Finance of the failure of a Person or Entity Conducting Business with the City to file a statement, shall also notify the Director of Purchasing.

§40.57-§40.59 Reserved for Future Use.

Administrative Practices and Procedures

§40.60 Duty to Disclose.

All Public Officials, Employees and Members of Boards or Commissions who have knowledge of or believe there to be violations of any provisions in this Chapter are duty-bound to report those violations to the Board of Ethics. Such reports shall be in good faith and the City in turn guarantees that no reprisals against a reporter of such violations will be taken (provided that such charges are not later proven to have been both malicious and false). All Persons against whom such charges have been made will have full access to all the protections of due process as spelled out by the Board of Ethics. It shall be a violation of this Chapter for a Person to falsely and maliciously charge, as found in the sole discretion of the Board of Ethics, another with violations of this Chapter.

§40.61 Complaint Procedure.

Upon receipt of a written complaint from any Person on a form prescribed by the Board of Ethics, signed under penalty of false statement, the Board shall notify the complainant, by registered or certified mail, of the receipt of the complaint within five (5) days of receiving said complaint. Within fifteen (15) Business days of receipt of the written complaint, the Board shall meet to determine if there is sufficient evidence to warrant an investigation. If the Board, by a vote of four (4) members, determines that the complaint does not merit investigation, the complaint shall be dismissed and notice of dismissal shall be mailed, registered or certified mail, to the complainant within five (5) business days.

§40.62 Time Limits.

Complaints must be made under this section within one (1) year after the violation alleged in the complaint has been committed.

§40.63 Confidentiality of Complaints.

(A) All Complaints Confidential. No Public Official, Employee or Member of a Board or Commission who has access to any Confidential Information related to the functions or activities of the Board shall divulge that information to any Person who is not authorized to have it. The identity of a Person who requests a confidential advisory ethics opinion is confidential, as is information describing or pertaining to any organization mentioned in the request for an opinion if the disclosure of the information could lead to the disclosure of the identity of the Person requesting the confidential advisory opinion.

(B) Waiver of Confidentiality. A Person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of that Person is deemed to have waived the confidentiality of the

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request for an advisory opinion and of any records obtained or prepared by the Board in connection with the request for an advisory opinion.

§40.64 Investigations.

(A) Initiation of Investigation. Upon the sworn complaint, on a form prescribed by the Board of Ethics, signed under penalty of false statement, of any Person, or upon its own complaint, alleging facts which if true would constitute improper conduct under the provisions of the Charter of the City or this Ordinance, the Board of Ethics shall conduct an investigation of such alleged violation.

(B) Notice to Respondent. The Board of Ethics shall not later than five (5) days after receipt or issuance of such complaint notify by registered or certified mail any Public Official, Employee or Member of a Board or Commission or Person against whom such complaint (the "Respondent") is filed and a copy of such complaint shall accompany such notice.

(1) Additional Notice. The Board of Ethics shall not later than five (5) days after receipt or issuance of such complaint notify by registered or certified mail (a) the supervisor of any Public Official, Employee or Member of a Board or Commission against whom such complaint is filed, or, (b) the appropriate Department Head, in the case of a Board or Commission Member, and a copy of such complaint shall accompany such notice. The Board of Ethics shall also notify the complainant of its receipt of such complaint not later than five (5) days thereafter.

(C) Investigation of Probable Cause. The Board of Ethics shall attempt to conclude all investigations to determine whether or not there is probable cause that a violation of the Charter of the City or the Code of Ordinances has occurred, within sixty (60) days of the initiation of any complaint hereunder.

(D) Determination of Probable Cause. The Board of Ethics shall make no finding that there is probable cause to believe that the Respondent is in violation of any provision of the Charter of the City or the Code of Ordinances, except upon the concurring vote of three (3) of its members.

(1) Notification of Determination. The Board of Ethics shall not later than three (3) business days after the termination of such investigation notify the Complainant and the Respondent that the investigation has been terminated and the results thereof.

(E) Public Hearings. Public hearings shall be conducted in a manner fair to the Respondent and in conformity with the requirements of the Freedom of Information Act.

(1) Rights of the Respondent. The Respondent shall have the right to:

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(a) appear and be heard and to offer any information, which may tend to clear him of probable cause indicating that he has violated any provision of the Charter of the City or this Chapter.

(b) be represented by legal counsel, at his expense, and examine and cross-examine witnesses.

§40.65 Appeal.

(A) General. Except as provided under Subsection (B) of this Section, a decision of the Board of Ethics under §40.80 (Civil and Administrative Remedies Against Employees Who Breach Ethical Standards) or §40.81 (Civil and Administrative Remedies Against Non-Employees Who Breach Ethical Standards) shall be reviewable in accordance with such administrative procedures as may be adopted by this City.

(B) Debarment or Suspension. A decision of the Board of Ethics regarding debarment or suspension under §40.81 (Civil and Administrative Remedies Against Non-Employees Who Breach Ethical Standards, Supplemental Remedies) shall be subject to legal challenge permitted under the laws of the State of Connecticut.

§40.66-§40.79 Reserved for Future Use.

Remedies

§40.80 Civil and Administrative Remedies Against Public Officials or Employees Who Breach Ethical Standards.

(A) Existing Remedies Not Impaired. Civil and administrative remedies against Public Officials or Employees, which are in existence on the effective date of this Code, shall not be impaired.

(B) Supplemental Remedies. Subject to the provisions of collective bargaining agreements, in addition to existing remedies for breach of the ethical standards of this Chapter or regulations promulgated hereunder, the Board of Ethics may impose any one or more of the following:

- (1) Oral or written warnings or reprimands;
- (2) Suspension with or without pay for specified periods of time, if applicable; and
- (3) Termination of employment.

(C) Right to Recovery from Public Officials or Employees for Value Received in Breach of Ethical Standards. The value of anything received by a Public Official, Employee or Member of a Board or Commission in breach of the Charter of the City or the provisions of the Code of Ordinances or, regulations promulgated hereunder, shall be recoverable by the City as provided in §40.83 (Recovery of Value Transferred or Received in Breach of Ethical Standards).

(D) Due Process. All procedures under this Chapter shall be

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exercised in accordance with due process requirements and existing law. In addition, notice and an opportunity for a hearing shall be provided prior to imposition of any suspension or termination of employment.

§40.81 Civil and Administrative Remedies Against Non-Employees Who Breach Ethical Standards.

(A) Existing Remedies Not Impaired. Civil and administrative remedies against non-employees which are in existence on the effective date of this Chapter shall not be impaired.

(B) Supplemental Remedies. In addition to existing remedies for breach of the ethical standards of this Chapter or regulations promulgated hereunder, the Board of Ethics may impose any one or more of the following:

- (1) Written warnings or reprimands;
- (2) Termination of transactions; and
- (3) Debarment or suspension from being a contractor or subcontractor under City contracts.

(C) Right to Recovery from Non-Employee Value Transferred in Breach of Ethical Standards. The value of anything transferred in breach of the ethical standards of this Chapter or regulations promulgated hereunder by a non-employee shall be recoverable by the City as provided in §40.83 (Recovery of Value Transferred or Received in Breach of Ethical Standards).

(D) Right of the City to Debar or Suspend. Debarment or suspension may be imposed by the Board of Ethics in accordance with the procedures set forth in §38.71 of the Code (Authority to Debar or Suspend) for breach of the ethical standards of this Chapter, provided that such action may not be taken without the concurrence of the Corporation Counsel.

(E) Due Process. All procedures under this Chapter shall be exercised in accordance with due process requirements, including, but not limited to, a right to notice and an opportunity for a hearing prior to imposition of any termination, debarment, or suspension from being a contractor or subcontractor under a City contract.

§40.82 Civil and Administrative Remedies Against Elected Officials Who Breach Ethical Standards

(A) Existing Remedies Not Impaired. Civil and administrative remedies against Elected Officials, which are in existence on the effective date of this Chapter shall not be impaired.

(B) Supplemental Remedies. In addition to existing remedies for breach of the ethical standards of this Chapter or regulations promulgated hereunder, the Board of Ethics may impose any one or more of the following:

- (1) Written warnings or reprimands;

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(2) Suspension with or without pay for a specified period of time, if applicable; and

(3) Recommendation of removal proceedings by the Board of Aldermen as set forth in the Charter of the City.

(C) Right to Recovery from Elected Officials Value Transferred in Breach of Ethical Standards. The value of anything transferred in breach of the ethical standards of this Chapter or regulations promulgated hereunder by an Elected Official shall be recoverable by the City as provided in §40.83 (Recovery of Value Transferred or Received in Breach of Ethical Standards).

(D) Due Process. All procedures under this Chapter shall be exercised in accordance with due process requirements and existing law. In addition, notice and an opportunity for a hearing shall be provided prior to imposition of any penalty.

§40.83 Recovery of Value Transferred or Received in Breach of Ethical Standards.

(A) General Provisions. The value of anything transferred or received in violation of the provisions of this Chapter or regulations promulgated hereunder by any Person subject to this Chapter may be recovered by the City.

(B) Recovery of Kickbacks by the City. Upon a showing that a subcontractor made a kickback to the City, a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the City and will be recoverable hereunder from the recipient. In addition, said value may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

§40.84-§40.89 Reserved for Future Use.

Application

§40.90 Savings Cause.

Should any provision of this code of ethics conflict with any provisions of federal law or the Connecticut General Statutes, the provisions of the federal law or the Connecticut General Statutes shall prevail.

§40.91 Distribution of Code.

The City Clerk shall cause a copy of this Chapter, or a summary thereof, to be distributed to every Public Official, Employee, Member of a Board or Commission and those conducting business with the City within sixty (60) days after enactment of this Chapter. Each Public Official, Employee and Member of a Board or Commission shall be furnished a copy before entering upon the duties of his office or employment. Each prospective vendor shall receive a copy upon request or upon submission of a bid or response to a solicitation governed by

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§38 of the Code of Ordinances. A signed receipt for all copies shall be returned to the City Clerk and retained on file. The City Clerk shall make additional copies available without charge to any Person engaged in any transaction with the City.

§40.92 Amendments.

This Chapter may be amended only by ordinance in conformity with the provisions of the Charter of the City.